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Srihari Kumar

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10/12/2007

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EXAMINER

GREENE, DANIEL LAWSON

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

10/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/785,929

**Applicant(s)**

KUMAR ET AL.

**Examiner**

Daniel L. Greene Jr.

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendments to the claims have obviated the objections and rejections set forth in sections 4-6 of the previous Office action mailed 5/7/2007.

Accordingly said sections are hereby withdrawn.

### ***Response to Arguments***

2. Applicant's arguments with respect to section 8 of the previous Office action have been considered but are moot in view of the new ground(s) of rejection.
3. The rejection set forth in said section 8 is hereby withdrawn as new art has been found and applied to the claims below.
4. **Applicant's arguments regarding the rejection set forth in section 10 of said previous Office action regarding APA ivo Kolling have been fully considered but they are not persuasive.**

#### **a. Applicant argues:**

"The Examiner also presents the following: "A first sever node connected to the network. The server node providing a service-access-point for accessing users (reads on either the persons own computer, their modem that is accessing the interact OR the Internet Service Provider server used by the customer to access the internet);"

Applicant suggests the Examiner pick one, as it is inappropriate for the Examiner to play musical components when relating a piece of art to applicant's claimed invention. Applicant points out that the claim reads the bill-payment software is installed on the first server node. The Examiner should point out which computerized device in the art serves this purpose, as claimed."

**Response:** Applicant's arguments are unpersuasive as applicant has not shown that the references do not teach what the examiner has stated they teach, nor has applicant shown that the examiner's reasoning for and manner of combining the teachings of the references is improper or invalid. Applicant has NOT considered the rejection in its entirety. It is not seen wherein applicant even considered or commented upon the teachings of the Kolling Patent as applied by the Examiner. Further, the Examiner should not have to pick any of the examples as they are just that and it is considered that they ALL read on the claimed limitation as stated.

**b. Applicant further argues:**

"The Examiner further presents: "A second server node connected to the network and accessible to the first server node, the second server node providing automated navigation to data sources subscribed to by the user, data procurement and data aggregations on behalf of the accessing users (reads on the server the bank is connected to, or the actual bank computer which has the account (data source subscribed by the user) data procurement (required in order to update the account with an accurate balance) and data aggregations (reads on the accounting software that is continually updating the persons account with up to date account balance information);

A bill-payment software interface installed on the first server node, the interface accessible to the accessing users connected to the data-packet-network, characterized in that users accessing the first server node from the remote computer nodes interact with the bill payment interface for the purpose of viewing, managing and paying bills by proxy using the functions of the first and second server nodes ("typically, a user, through subscription, has access to personalized and secure WEB pages...." use~ "bookmark many WEB pages in a computer cache so that they may quickly find and access.., various services." And "it is generally known that much work related to finding WEB pages, logging in with passwords, and the like is required to successfully do business on the WEB"..."

Applicant argues that the Examiner is clearly not considering any functional limitations when relating components in the art with components as claimed in applicant's invention. Applicant claims a second server node providing automated navigation to data sources subscribed to by the user, data procurement, and data aggregation on behalf of the user. Which component in the art has said features as claimed? Certainly none of the components in the art as presented by the Examiner. The Examiner provides a lot of vague teachings as to well known capabilities on the Internet such as Web pages and Bookmarks, but has not adequately provided art to teach applicant's claimed invention."

**Response:** again, applicant's arguments are unpersuasive as applicant has not shown that the references do not teach what the examiner has stated they teach, nor has applicant shown that the examiner's reasoning for and manner of combining the teachings of the references is improper or invalid. Further, resort may be had to pages 9-11 of the previous Office action in response to applicant's allegations reproduced below for applicant's convenience.

"It appears that applicant may be attempting to claim a system that combines ALL of an individuals accounts, login passwords, bill pay subjects, etc. into one place. It is considered that APA does set forth an aggregation of all of the different WEB sites that an person must use in order to pay bills by, for example using the bookmark function on the web browser as set forth above. Further, the individual brain stores the information required in order to locate the various bill payments required, web sites and passwords. The fact that applicant is trying to put all of the information in one place does not present a patentable invention because applicant is merely automating something that was already being done by hand. Admittedly there is great convenience in combining all of a persons assets and liabilities into one location (known in the art as a portfolio) Resort may be had to case law to show that there is no patentability in doing such and further there is motivation to one of ordinary skill in the art to create such an invention simply for the benefit of convenience and making things easier and more convenient. Such is evidenced by items that surround us in our everyday living, take for example, automatic doors, escalators, moving sidewalks, microwave ovens, pop top soda cans, etc.

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Resort may be had to case law to show that there is no novelty in simply automating a process previously done manually and/or combining a series of steps that were previously done individually.

See *In re Venner*, 120 USPQ 192 (CCPA 1958), *In re Smith*, 73 USPQ 394

"If a new combination of old elements is to be patentable, the elements must cooperate in such manner as to produce a new, unobvious, and unexpected result. It must amount to an invention",

*In re Rundell*, 9 USPQ 220

"It is not 'invention' to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result",

and *In re Wolfe*, 116 USPQ 443, 444 (CCPA 1961))

"It would seem scarcely necessary to point out that merely making a two-piece handle in one piece is not patentable invention because it is an obvious thing to do if deemed desirable"

If applicant is of the opinion that the APA does not set forth aggregation of all of an individuals bill paying requirements, the resort may be had to the teachings of Kolling to show that it is known in the bill pay art to provide a system that is capable of interfacing with all of a persons billing needs. See for example, the abstract, figures and col. 1, lines 14-37, col. 2 lines 63 through col. 4 line 18, col. 11 line5 through col. 13, lines 15, etc.

At the time of the invention it would have been obvious to one of ordinary skill in the art to apply the teachings of Kolling to APA in order to aggregate all of a persons billing requirements into one location for the purpose and benefit of convenience, to both the person and the billers in standardizing the method in which bills are paid for the additional benefit of saving the billers money by minimizing failures of payment."

**5. Applicant's arguments regarding the Double Patenting Rejection set forth in section 11 of said previous Office action have been fully considered but they are not persuasive.**

Applicant argues:

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"Regarding the double patenting rejection, the claims of the present application do not claim the same invention held in the claims of U.S. 6,859,212. The scope of the claims, although admittedly similar are not identical to the point of supporting a double patenting rejection under 101 U.S. 6,859,212 is a system for categorizing financial transactions for a user. Applicant believes the 101 rejection is unfounded."

Response: It is not seen wherein Applicant has overcome the Examiners contention. To ensure the prosecution history is clear and for applicant's convenience, the Examiner has broken the claim limitations apart into their corresponding parts below. It is considered that one of ordinary skill in the art would understand the various interconnectivities and alternatives expressed in the '212 patent. Again, this correlation has been provided as a courtesy as applicant is considered to have a better or expert level of knowledge in his field of endeavor and thus may construe the claims in another manner.

Claim 13 of instant application	Claim 1 of U.S. 6,859,212
An interactive bill-payment system for online management, viewing and payment on behalf of a user of itemized bills by proxy over a data-packet-network, comprising:	In a software suite for enabling viewing and manipulation of multiple categories of aggregated data compiled from a plurality of data sources and accessible through a single interfacing

	node operated on a data- packet-network, a transaction module having a displayable summary interface comprising:
a first server node connected to the network, the server node providing a service- access-point for the user;	an interactive main interface accessible through the summary interface, the main interface for listing new transactions related to registered financial accounts;
a second server node connected to the network and accessible to the first server node, the second server node providing automated navigation to data sources subscribed to by the user, data procurement, and data aggregation on behalf of the accessing user; and	an interactive history link embedded in the main interface for providing access to a secondary interface for viewing transaction history; an interactive menu provided within the main interface for assigning categories to the listed transactions; an interactive save feature for saving category assignments to the listed transactions;
	a interactive bill-payment



a bill-payment software interface installed on the first server node, the interface accessible to users connected to the data-packet-network via a remote computer node characterized in that the user accessing the first server node from the remote computer node interacts with the bill payment interface for the purpose of viewing, managing and paying bills by proxy using the functions of the first and second server nodes.	link provided within the main interface for linking the interface to a bill-payment module; and an interactive transfer-funds link provided within the summary interface of the module for linking the summary face of the module to a secondary interface for transferring funds from one account to another, characterized in that a user operating the main interface from a remote node having access to the data-packet-network may view all transactions according to option of category, account, and time period.
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6. An appropriate response to this instant rejection is either a complete and detailed argument expressing specifically which limitations are not found in the claims and/or that set forth in sections 11 & 12 of the previous Office action, i.e. a terminal disclaimer, etc.

***Claim Rejections - 35 USC § 102***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**8. Claims 13-23 are rejected under 35 U.S.C. 102(b) as being unpatentable over DCU Bill Payer (DCU).**

**Regarding claim 13**, DCU sets forth an interactive bill-payment system for online management, viewing and payment on behalf of a user of itemized bills by proxy over a data-packet-network, comprising:

A first sever node connected to the network. The server node providing a service-access-point for accessing users (See, for example, the first sentence of the first paragraph of page 1);

A second server node connected to the network and accessible to the first server node, the second server node providing automated navigation to data sources subscribed to by the user, data procurement and data aggregations on behalf of the accessing users (See, for example page 1, 4<sup>th</sup> paragraph, first sentence, "Bill Payer Screen in Dial-Up PC Branch");

A bill-payment software interface installed on the first server node, the interface accessible to the accessing users connected to the data-packet-network, characterized in that users accessing the first server node from the remote computer nodes interact with the bill payment interface for the purpose of viewing, managing and paying bills by proxy using the functions of the first and second server nodes, See for example, the entire document.

**Regarding claim 14**, DCU discloses that the data-packet-network is the Internet network on, for example, page 1.

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**Regarding claim 15** DCU inherently discloses that the first server node is a portal server providing personalized interfaces in hypertext markup language because page 1 sets forth an Internet connection. It is understood that Internet connectivity is typically communicated with hypertext markup language.

Resort may be had to U.S. Patent 6,078,907 to Lamm col. 2 lines 13-18 to show that the World Wide Web is a collection of networks linked together using files written in Hypertext Mark-up Language. Thus DCU inherently uses and discloses such.

The use of a secondary reference in connection with a 35 U.S.C. 102 rejection is proper when the secondary reference is cited to show that the primary reference contains an "enabling disclosure". See MPEP § 2131.01.

**Regarding claim 16**, DCU discloses that the data sources require a username and password for access to user bill information in the first sentence of paragraph 4 on page 1 "When you access the Bill Payer screen in Dial-Up PC Branch."

**Examiners NOTE / Official notice: The Examiner has personally used DCU's bill payment system since 2001 and hereby states that it was required to enter my account number and password to access the bill payment system. Further, it is old and well known in the art to require usernames and passwords to access sensitive and/or financial information. See for example, US 6,078,902 to Schenkler.**

The use of a secondary reference in connection with a 35 U.S.C. 102 rejection is proper when the secondary reference is cited to show that the primary reference contains an "enabling disclosure". See MPEP § 2131.01.

**Regarding claims 17-19**, DCU discloses that the remote computer nodes can be personal computers, cellular phones or hand-held computers with accessibility to the Internet.

Further, Resort may be had to case law to show that there is no inventive concept in merely making access to the system portable. See for example, In re Lindberg, 93 USPQ 23 (CCPA)

"It is not regarded as inventive to merely make an old device portable or movable without producing any new and unexpected result"

In this case, it should be understood that the old device would be the method of accessing the system by, example a home computer and the portable devices would be the new technology that does the same thing, i.e. cell phones, PDA's, tablet computers, etc.

**Regarding claim 20**, DCU discloses that the second server node stores aggregated bill data on behalf of the user in a connected data repository held externally from the server on, for example, page 2, third paragraph, "It's easy-Setting up and paying vendors is simple and fast."

**Regarding claim 21**, DCU inherently discloses that the bill-payment software interface is linked to a plurality of secondary interfaces provided in the form of

hypertext markup language because, for example it is known for networks to communicate in such manners and DCU uses a network.

Resort may be had to U.S. Patent 6,078,907 to Lamm col. 2 lines 13-18 to show that the World Wide Web is a collection of networks liked together using files written in Hypertext Mark-up Language.

The use of a secondary reference in connection with a 35 U.S.C. 102 rejection is proper when the secondary reference is cited to show that the primary reference contains an "enabling disclosure". See MPEP § 2131.01.

**Regarding claim 22**, DCU discloses that the management of the listed bills include at least viewing a full account of the bill, marking that the bill has been paid, deleting the bill, and receiving an alert associated with the bill. Applicant is invited to review the DCU Bill payer demonstration located @ [www.dcu.org/electronic\\_services/index.html](http://www.dcu.org/electronic_services/index.html) the tab marked "PC Branch Online Demo" available from the [www.dcu.org](http://www.dcu.org) website for a review of all of the features said bill pay system offers, which includes those claimed above.

Also see the DCU PC Branch Bill payer screen shot, available on the PC Branch Menu, available @ [https://www.dcu.org/pc\\_branch/welcome.html](https://www.dcu.org/pc_branch/welcome.html), last accessed 10/01/2007

**Regarding claim 23**, DCU discloses that obtaining advice regarding selected treatment of the bill includes system recommendations because it advises you when your bills are past due. Further, you can set up DCU to email you when bills are first received, pending payment and paid. This is further considered

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"advise" because, for example, the first time the bill arrives, DCU advises you that it needs payment by sending you the email saying when it's due, along with the amount due, AND a link to see the actual bill or link to the biller's website.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dent et al. discloses another bill payment system applicable to the instant invention. See for examples, the Abstract, figures 5-7, etc..

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene Jr. whose telephone number is (571) 272-6876. The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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